

Serial No.: 10/637,178
TKHR Docket No.: 190251-1771
Client Docket No.: 97068-CON

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 4, 2006 (Paper No. 20060317). Upon entry of this response, claims 1-20 are pending in the application. In this response, claims 1, 8-10, and 15 have been amended. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Examiner Interview

Applicant wishes to express appreciation for the time that Examiner Knowlin spent with Applicants' representative, Karen Hazzah, during a telephone interview on May 30, 2006. During the interview, Applicant's representative explained some of the differences between independent claims 1 and *Crowley et al.* The Examiner suggested potential claiming strategies to express these differences, and claim amendments are submitted herein.

2. Rejection of Claims 1-4 and 8-20 under 35 U.S.C. §102

Claims 1-4 and 8-20 have been rejected under §102(e) as allegedly anticipated by *Crowley et al.* (U.S. 6,081,590). Applicants respectfully traverse this rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 1, 10, and 15

Applicants have amended claims 1 and 10 to recite "direct[ing] the LNP query to the intelligent traffic routing and control unit when the call is a data call and to an LNP processing unit when the call is a voice call". Applicants have amended claim 15 to recite "direct the LNP

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query to the INTRAC unit if the call type is a data call and to direct the LNP query to the LNP processing unit if the call type is other than a data call". Applicants respectfully submit that *Crowley et al.* fails to disclose, teach, or suggest at least these features.

Crowley et al. includes the following discussion of call routing using LNP queries:

In some embodiments traditional blocking or gapping of controlled calls (routing using LRN information) is advantageously replaced or augmented with routing of otherwise blocked calls using the dialed number for routing. Then, as the call progresses through further routing, permissions for subsequent LNP queries are used to either continue use of the DN or to use LRN information obtained by such subsequent LNP query.

Whereas prior LNP call treatment adopted LRN information for routing and call control purposes when it was available, *a useful alternative in accordance with aspects of the present invention is to not use LRN information in all cases, even when it is available.* That is, use of dialed number information can be used to advantage for full or partial routing and call control, even when LRN information is known at a switch or available upon query to a LNP database.

(Col. 4, Lines 35-50, Emphasis added.)

Thus, even if *Crowley et al.* discloses that the Location Routing Number (LRN) within an LNP response is sometimes used for call routing and sometimes not used, *Crowley et al.* does not discuss directing the LNP query itself based on whether the call is a data call or a voice call as recited in amended claims 1, 10, and 15. The discussion of LNP query handling in *Crowley et al.* simply says that:

When the test for the presence of an LNP trigger at block 650 yields a positive result, however, *a query to the LNP database is launched, as indicated at block 653 in FIG. 6. After the response to the LNP query is received, the current network entity, e.g., the example switch 120, examines the response to determine if it contains a location routing number or LRN.* (Col. 12, Lines 20-30, Emphasis added.)

For at least the reason that *Crowley et al.* fails to disclose, teach, or suggest the above-described features, Applicants respectfully submit that amended claims 1, 10, and 15 overcome

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the rejection. Therefore, Applicants request that the rejection of claims 1, 10, and 15 be withdrawn.

b. Claims 2-4, 8-9, 11-14, and 16-20

Since claims 1, 10, and 15 are allowable, Applicants respectfully submit that claims 2-4, 8-9, 11-14, and 16-20 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 2-4, 8-9, 11-14, and 16-20 be withdrawn.

3. Rejection of Claims 5-7 under 35 U.S.C. §103

Claims 5-7 have been rejected under §103(a) as allegedly obvious over *Crowley et al.* (6,081,590). Applicants respectfully traverse this rejection. Since claims 1, 10, and 15 are allowable for at least the reasons discussed above, Applicants respectfully submit that claims 5-7 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 5-7 be withdrawn.

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CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-20 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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